

DEPARTMENT OF SOCIAL SERVICES

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April 24, 1979

ALL-COUNTY LETTER NO. 79-24

• TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: WHEN APPROVAL NOTICES OF ACTION ARE REQUIRED IN IHSS

REFERENCE:

During recent training on the new IHSS regulations, which were effective April 1, 1979, a question was raised regarding the necessity of sending approval notices of action when services are approved for a new period of authorization. A notice of action is required whenever IHSS services are approved, denied, changed, or terminated (30-459.7)*. IHSS services are approved for no more than a maximum interval of six months (30-459.5). Services provided after the end of an existing authorization period are allowable only if services are approved for a new authorization period and are justified by a need assessment (30-461.28). Need assessments must be performed prior to the end of a current period of authorization or when eligibility is redetermined (30-461.21). An approval of services during a new period of authorization must be reflected in a notice of action informing the recipient of his right to request a fair hearing (10-116.1).

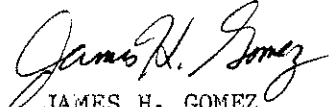
The recipient who wishes to appeal the findings of the need assessment, or the services approved based on the assessment, should request a fair hearing on the back of the notice of action form, though such requests are acceptable in another written form (22-007.1). A fair hearing must be requested within a year of the action. The date of the action is the date on which the notice of action was mailed (22-009.1).

Therefore, a notice of action is necessary at the time of any initial approval of IHSS services and at any subsequent approval of IHSS for a new authorization period in order to:

*All citations are to the Manual of Policy and Procedures.

- notify the recipient of the county's action on his IHSS payment,
- notify the recipient of his right to a fair hearing should he be dissatisfied with the action,
- establish an effective date for the action.

If you have any questions, please contact your Program Management Consultant.


JAMES H. GOMEZ
Deputy Director

cc: CWDA